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EXAMINER

CUFF, MICHAEL A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,461

Applicant(s)

KOMEM ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Amendment

1. Applicant's amendment and affidavit, filed 6/3/03, have been received, entered and considered. Claims 1, 2, 5-7, 9-13, 16, 17 and 19-23 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al.

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Sullivan et al. Shows, figure 2, a computer-implemented universal financial management system and method. A feature of the present invention is that a centrally-located universal financial management/translation mechanism 100, that has communications access to one of a variety of different interfaces, is positioned to provide the "price discovery" information that allows customers to use the mechanism to benefit from competitive currency conversion at wholesale conversion rates, with up-to-date currency rate conversion information, facilitating various financial transactions.

Individual user 2106 is shown to communication with various intermediate applications 108, such as various e-commerce (payment) websites that involve payments within a national or multinational currency or payments in an international currency. For example, the individual user 2106 (local buyer) may bid on a particular device being offered on at an auction website, such as eBay.com, and upon the successful winning bid by the individual 2106 will allow the auction application 108, to convert the buyer's currency to the seller's currency at the time the auction closed. (guaranteed) Accordingly, individual users need not be concerned with conversion rates, or question whether or not conversion rates will change rapidly from the time the sale is made to the time the individual receives the goods. (column 10, lines 23-36)

One connection between the mechanism 100 that is relevant for the conversion process, is to a currency trading mechanism 102, that in one embodiment, is a multi-currency money market fund, managed by a fund manager and employing the services of a currency trader (FOREX), for the purpose of trading various currencies on a nearly continuous basis. The currency trading mechanism 102 provides updated information

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regarding wholesale competitive currency exchange rates between various currencies and provides that information on a frequent basis back to the mechanism 100. (column 9, lines 44-53)

The funds may also be used to purchase equities managed by the mechanism 100. Alternatively, the deposit may be used to purchase contracts, such as options, derivatives, futures and hedge funds (hedging). The mechanism makes a record of the deposit, which is made in a first currency and subsequent transactions are debited and recorded against the deposit. Separate, but related accounts may be held for other currencies. (Different types of currency and accounts) (column 9, lines 27-34)

4. Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeder.

Reeder shows, figure 1, a billing system for on-line computer networks. The gateways 12 provide ready access to other networks such as the Internet. Since the customer 10 may be located in any country of the world, currency rates 28 (determining exchange rate, currency server) are regularly stored in a database at the host data center 14 so that currency conversion can take place. For example, a customer 10 located in France might download a file from England (Vendor website, vendor server supporting via a web browser) that is priced in English pounds. To properly charge the French customer 10, the price for the downloaded file would need to be converted to French francs on the day of the file download. (converted at vendor

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site, displayed) For this purpose, a currency conversion table is therefore regularly (repeatedly) uploaded (guaranteed for a predetermined period of time) to the host data center 14 from any one of a number of known exchange rate providers. The host data center 14 also communicates with several outside services (financial institutions). For example, the host data center 14(central managing entity) communicates with a banking services center 16 which produce credit card statements 18 to bill customers 10 for their services on-line. Several banking transaction companies provide services for charging customers for on-line usage including NaBANCO and Checkfree. Both of these companies work with issuers of credit cards to provide direct billing of customers for their on-line data services. The banking transaction companies act as clearing houses (pay vendors, hedging is an inherent property of large financial institutions, see Sullivan et al. as evidence.) to process transactions for a number of credit card issuers (convert payment). The banking transaction companies submit transactions (e.g. customer charges) to credit card issuers for authorization and account settlement.

Response to Arguments


Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. The Reeder reference meets the metes and bounds of the broadly recited claims 23 and 24.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

 8/22/03
Michael Cuff
August 22, 2003